

VIA FACSIMILE SEPTEMBER 21, 2004

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of: Hu et al.

Docket No.: PF112P3C2US

Application No.: 10/696,002

Confirmation No.: 7776

Filed: October 30, 2003

Art Unit: 1647

For: Vascular Endothelial Growth Factor 2

Examiner: Landsman, R.

**REQUEST FOR CORRECTED PUBLICATION UNDER 37 C.F.R. § 1.221(b)  
DUE TO MATERIAL OFFICE MISTAKE****Box PGPUB**  
Commissioner for Patents  
Alexandria, VA 22313-1450**RECEIVED**  
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Sir:

Applicants respectfully request a corrected publication of the above-listed application pursuant to 37 C.F.R. § 1.221(b) due to a material mistake made by the Office. In particular, the publication is incomplete. In particular, the publication omits the sequence listing filed with the application.

The above mistake is apparent from the Office records, as the application as filed contains the sequence listing in its entirety. The mistake is also apparent from the publication, as the publication omits the sequence listing in its entirety. The above mistake is apparent from the Office records, as the return receipt postcard indicates that the sequence listing was filed with the application on October 30, 2003 (copy attached).

Moreover, the above mistake could be material, as the claim scope cannot be determined in the absence of the sequence listing. Thus, this error affects the scope of provisional rights accorded Applicants under 35 U.S.C. § 154(d) based on the instant publication. Additionally, the mistake could undermine the strength of the publication as a

prior art reference, since a U.S. Patent Application Publication must claim the same invention in order to prevent others from submitting an Affidavit or Declaration of Prior Invention under 37 C.F.R. § 1.131.

Accordingly, Applicants respectfully request that a corrected publication of the above-listed application be made pursuant to 37 C.F.R. § 1.221(b).

No fee is believed due for this submission. In the event that a fee is required in connection with this submission, please charge the required fee to Deposit Account No. 08-3425.

Dated: September 21, 2004

Respectfully submitted,

By 

Melissa J. Pytel

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# **RETURN RECEIPT CARD** (MPEP § 503)

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Application of:  
Hu et al.

Docket No.: PF112P3C2US

Application Serial No.: Not Yet Assigned

Art Unit: N/A

Filed: Concurrently Herewith

Examiner: Not Yet Assigned

Title: Vascular Endothelial Growth Factor 2

The following documents were filed by Human Genome Sciences, Inc.  
via hand delivery on October 30, 2003:

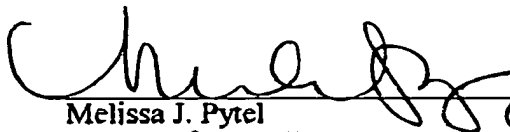
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2. Serial Number Postcard;
3. Fee Transmittal with appropriate fee(s) (in duplicate),
4. Unity Patent Application Transmittal,
5. Application Data Sheet (3 pages);
6. Preliminary Amendment with corrected drawings of Figures 1A-E and 25D-I (8 sheets),
7. Application. 152 pages (including 146 pages Description; 4 pages [26] Claims, Figures 1-29 (47 sheets),  
Sequence Listing on paper (24 pages), and copy of executed Declaration from prior Application No. 09/623,725  
(4 pages);
8. Request Under 37 C.F.R. § 1.821(c), and
9. Information Disclosure Statement with Form PTO/SB/08

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CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. § 1.8

1. Fax Cover Sheet (1 page);
2. Request for Corrected Publication Under 37 C.F.R. § 1.221(b) due to Material Office Mistake with copy of PTO date-stamped return receipt postcard (3 pages); and
3. Certificate of Transmission (1 page).

I hereby certify that the above-listed correspondence is being facsimile transmitted to the United States Patent and Trademark Office on September 21, 2004.



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FROM: Melissa J. Pytel (Reg. No. 41,512)

RE: Application of: Hu et al.  
Application No. 10/696,002

Atty. Docket No. PF112P3C2US

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Title: Vascular Endothelial Growth Factor 2

**COMMENTS:**

Please see the attached Request for Corrected Publication Under 37 C.F.R.  
§ 1.221(b) Due to Material Office Mistake.

If you experience any difficulty receiving this transmission,  
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